



DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MALE STERILITY IN GRASSES OF THE GENUS LOLIUM** the specification of which:

- (a) ☐ is attached hereto; or
- (b) ☒ was filed on January 23, 2004 as Application No. 10/764,056, or
- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION

| COUNTRY (OR INDICATE IF PCT) | APPLICATION NUMBER | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 37 U.S.C. § 119 |
|------------------------------|--------------------|-----------------------------------|---------------------------------------------------------------------|
| Germany | 101 36 378.8 | 26 July 2001 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application

Application No.: PCT/EP02/08252 Filing Date: 24 July 2002 Status: Published

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Inge Gaue**

Inventor's signature Inge Gaue Day 24 Month May Year 2004

Residence (city and country): **Kaltenhof, Germany**

Citizenship: **German**

Post Office Address: **Seestrasse 1, 23999 Kaltenhof, Germany**

Full name of second inventor: **Heinrich Baudis**

Inventor's signature Heinrich Baudis Day 24 Month May Year 2004

Residence (city and country): **Malchow, Germany**

Citizenship: **German**

Post Office Address: **Haus Nr. 8, 23999 Malchow, Germany**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995



PATENT

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY**

To the Commissioner of Patents and Trademarks:

The undersigned is empowered to act on behalf of the assignee indicated below (the "Assignee"). The original assignment of the application for Letters Patent, Serial No. 10/764,056, filed January 23, 2004, for the invention in **MALE STERILITY IN GRASSES OF THE GENUS LOLIUM** from the inventors to the Assignee is being submitted herewith for recordation by the Assignment Branch. A true copy of this Assignment is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee. I have reviewed this Assignment, and to the best of the Assignee's knowledge and belief, the Assignee is the owner of the entire right, title, and interest in the above-referenced application.

I declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Assignee: **NORDDEUTSCHE
PFLANZENZUCHT
HANS-GEORG LEMBKE KG**

By: *J. Maier*

Title: *Managing Partner*

Address: Hohenlieth, 24363
Holtsee, Germany

Dated: 28. May 2004

ASSIGNMENT

WHEREAS, I/WE (1) Inge Gaue, a German citizen, residing at Seestrasse 1, 23999 Kaltenhof, Germany; (2) Heinrich Baudis a German citizen, residing at Haus Nr. 8, 23999 Malchow, Germany; hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in **MALE STERILITY IN GRASSES OF THE GENUS LOLIUM**, the specification of which:

- (a) ☐ was executed on even date herewith;
(b) ☒ was filed on January 23, 2004 as Application No. 10/764,056, or
(c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

AND WHEREAS, **NORDDEUTSCHE PFLANZENZUCHT HANS-GEORG LEMBKE KG**, with its principal place of business at **Hohenlieth, 24363 Holtsee, Germany** (hereinafter referred to as Assignee) desires to acquire the entire right, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This 24 day of May, 2004

Inge Gaue
Signature of: **Inge Gaue**

Witnessed by:

Wilbert Huesink

This 24 day of May, 2004

Heinrich Baudis
Signature of: **Heinrich Baudis**

Witnessed by:

Walter Paulus